

Bruce H. Jackson, State Bar No. 98118
bruce.h.jackson@bakernet.com
BAKER & McKENZIE LLP
Two Embarcadero Center, 11th Floor
San Francisco, CA 94111-3802
Telephone: +1 415 576 3000
Facsimile: +1 415 576 3099

Attorneys for Defendant
NATIONAL TOBACCO COMPANY, LP

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RAYMOND RILEY p.k.a. Boots Riley,
SOLOMON DAVID and MARLON IRVING
p.k.a. Lifesavas,

Plaintiffs,

v.

NATIONAL TOBACCO COMPANY LP,

Defendant.

Case No. C-08-01931 JSW

**STIPULATION AND
~~[PROPOSED]~~ ORDER**

**CONTINUING HEARING DATE OF
MOTION BY DEFENDANT
NATIONAL TOBACCO COMPANY
TO DISMISS, STAY OR TRANSFER
IN FAVOR OF FIRST-FILED ACTION
IN NEW YORK; OR, IN THE
ALTERNATIVE, TO TRANSFER FOR
THE CONVENIENCE OF THE
PARTIES AND WITNESSES UNDER
28 U.S.C. § 1404(a)**

Existing Date: June 13, 2008
Time: 9:00 a.m.
Crtrm: 2, 17th Floor
Before: The Honorable Jeffrey S. White

REQUESTED DATE: June 20, 2008

[FILED VIA E-FILING]

1 Plaintiffs Raymond Riley, Solomon David and Marlon Irving ("Plaintiffs") and Defendant
 2 National Tobacco Company ("Defendant"), through their respective counsel of record, agree and
 3 stipulate as follows:

4 WHEREAS, by Order granting Defendant National Tobacco Company LP's motion to
 5 consider whether cases are related, dated May 9, 2008, the case entitled Parker, et al. v. National
 6 Tobacco Company LP, Case No. C 08-01933 WHA ("the Parker case") was found to be related to
 7 the above-captioned case;

8 WHEREAS, Defendant had previously filed in the above-captioned case a motion for an
 9 order dismissing, staying or transferring the action in favor of the first-filed action in the United
 10 States District Court for the Southern District of New York, or in the alternative, transferring this
 11 action for the convenience of the parties and witnesses under 28 U.S.C. § 1404 ("Motion"), which
 12 was set for hearing on June 13, 2008;

13 WHEREAS, in the Parker case, Defendant had also filed a similar motion for an order
 14 dismissing, staying or transferring the action in favor of the first-filed action in the United States
 15 District Court for the Southern District of New York, or in the alternative, transferring this action for
 16 the convenience of the parties and witnesses under 28 U.S.C. § 1404, in this court, which had
 17 previously been set for hearing on June 19, 2008 at 8:00 a.m. before the Honorable William Alsup;

18 WHEREAS, once the above-captioned case and the Parker case were related and for
 19 purposes of judicial economy, Defendant filed a re-notice of the hearing date of the Motion from
 20 June 19, 2008 to June 13, 2008, at 9:00 a.m. in the Parker case, to coincide with the existing hearing
 21 date of Defendant's motion the Riley case;

22 WHEREAS, counsel for Plaintiffs Raymond Riley p.k.a. Boots Riley, Solomon David and
 23 Marlon Irving p.k.a. Lifesavas, is unavailable to travel to San Francisco to attend the June 13, 2008
 24 hearing, due to previously scheduled commitments.

25 IT IS HEREBY STIPULATED AND AGREED UPON, that due to the unavailability of
 26 Plaintiffs' counsel to attend the hearing set for June 13, 2008, the hearing date for the Motion,
 27 presently scheduled for June 13, 2008 at 9:00 a.m. before the Honorable Jeffrey S. White, in
 28

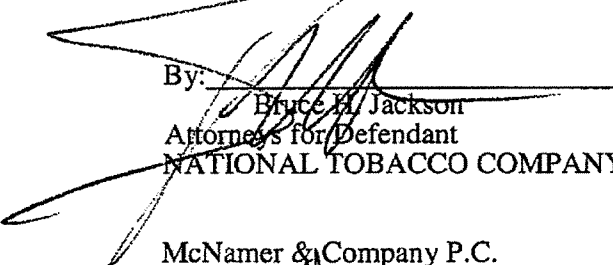
1 Courtroom 2 of the above-entitled Court, located at 450 Golden Gate Avenue, 17th Floor, San
2 Francisco, CA 94102, shall be continued to **June 20, 2008 at 9:00 a.m.**, in the same location.

3 **IT IS SO STIPULATED.**

4
5 Dated: May 13, 2008

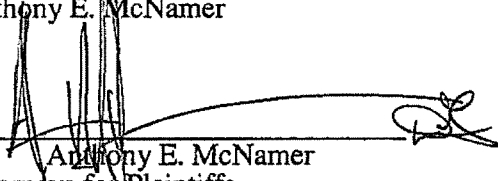
Respectfully submitted,

6 BAKER & MCKENZIE LLP
7 BRUCE H. JACKSON

8
9 By: 
10 Bruce H. Jackson
11 Attorney for Defendant
12 NATIONAL TOBACCO COMPANY, LP

13
14 Dated: May 13, 2008

McNamer & Company P.C.
Anthony E. McNamer

15
16 By: 
17 Anthony E. McNamer
18 Attorneys for Plaintiffs
19 RAYMOND RILEY
20 p.k.a. Boots Riley,
21 SOLOMON DAVID and
22 MARLON IRVING
23 p.k.a. Lifesavas

24 **ORDER**

25 **IT IS SO ORDERED.**

26 Date: May 14, 2008

27
28 
U.S. DISTRICT COURT JUDGE